

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS,

Plaintiff,

v.

MERRICK GARLAND, *et al.*,

Defendants.

No. 5:23-cv-34-H

**TEXAS'S MOTION TO EXCLUDE DEFENDANTS' EXHIBITS 2, 3, 4, 7, 8,
11, AND 15**

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DEFENDANTS'
EXHIBIT

DX-004

STATE OF TEXAS,

Plaintiff,

v.

MERRICK GARLAND, in his official capacity as
Attorney General, *et al.*,

Defendants.

Case No. 5:23-cv-00034-H

DECLARATION OF PETER MINA

I, Peter Mina, pursuant to 28 U.S.C. § 1746 and based upon my personal knowledge, and documents and information made known or available to me from official records and reasonably relied upon in the course of my employment, hereby declare as follows:

1. I am the Deputy Officer for Programs & Compliance at the Office for Civil Rights and Civil Liberties (“CRCL”) for the U.S. Department of Homeland Security (“DHS” or “the Department”). I have been employed by CRCL in this position since 2019. I previously served as Chief of the Labor and Employment Law Division (“LELD”) in the Office of the Principal Legal Advisor for U.S. Immigration and Customs Enforcement (“ICE”) since February 2013. In connection with this matter, I previously prepared and signed a declaration dated May 3, 2023.

2. I am familiar with the development of the Alternatives to Detention Case Management Pilot Program (“CMPP”), the administration of the program, its requirements for enrollees, and the current status of its funding and enrollment. CMPP was created by the 2021 Appropriations Act to provide voluntary case management and other services to non-detained noncitizens enrolled in ICE’s Alternatives to Detention (“ATD”) program. CMPP is managed by a National Board and chaired by the Officer for Civil Rights and Civil Liberties. The National Board is responsible for awarding funds to eligible local governments and nonprofit organizations to

provide case management services. It is comprised of nonprofits with experience providing and evaluating case management programs for immigrants, asylees, and refugees.

Case Management Pilot Program Enrollment and Funding

3. To date, CMPP has enrolled 138 noncitizens in Texas. However, not all enrollees remain in Texas. At least two CMPP participants have left Texas, either moving to another state or returning to their country of citizenship. The number of active participants in CMPP in Texas is therefore less than 138.

4. CMPP is a voluntary program and there is no requirement to participate in CMPP. Further, there is no requirement for a noncitizen to remain in Texas once they enroll in CMPP. However, if an individual chooses to participate in CMPP and receives services through CMPP, he or she must reside in the geographic location served by the relevant nonprofit subrecipient. For example, to receive CMPP services from BakerRipley, the Houston CMPP service provider, the CMPP participant must reside in the Houston area. Similarly, to receive CMPP services from the International Rescue Committee, the New York CMPP service provider, the CMPP participant must reside in the New York area.

5. The National Board has not awarded any subgrants from the CMPP funding from the Consolidated Appropriations Act, 2022. CRCL expects the National Board to make awards on November 17, 2023, barring any unforeseen circumstances.

6. The National Board's subgrant awards to subrecipients do not automatically renew. Instead, to be awarded funds, nonprofit organizations and local governments must apply anew following each NOFO and the National Board's subsequent solicitation of applications. This affords different nonprofit organizations and local governments the opportunity to be considered for the program each time new CMPP funding is made available. Annually, the CMPP National Board engages in the funding process which includes, *inter alia*, the Board's review of applications

from sub-recipients throughout the United States. The National Board assesses each application on its merits. Subgrants to existing CMPP providers will not be automatically renewed. Also, the fact that nonprofit organizations in New York and Texas received funds from the 2021 Appropriations Act does not mean that nonprofit organizations in those states will necessarily receive subgrants in the future. There is no obligation to provide future funding from the 2022 or 2023 Appropriations Acts to past recipients.

7. CRCL has initiated drafting of the Notice of Funding Opportunity (“NOFO”) for the Fiscal Year 2023 funds with the expectation that it will be published by March 1, 2024. To date, the application process has not formally commenced. Accordingly, Fiscal Year 2023 funds have not been awarded to the National Board. Similarly, Fiscal Year 2023 funds have not been awarded by the National Board to any subrecipients.

Under penalty of perjury, pursuant to 28 U.S.C. § 1746, I declare the foregoing is true and correct to the best of my knowledge and belief.

Dated the 31st day of October 2023.



Peter Mina
Deputy Officer for Programs &
Compliance
Office for Civil Rights and Civil Liberties
2707 Martin Luther King, Jr. Avenue, SE
Washington, D.C. 20528